

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILTON BARBECHO *et al.*,

Petitioners,

- against -

THOMAS DECKER, *et al.*,

Respondents.

No. 20 Civ. 2821 (AJN)

ORDER

On April 14, 2020, the Court granted an application for a temporary restraining order with respect to Josue Manrique Vallejo, Denis Lis, and Milton Barbecho (“Petitioners”), ECF No. 20, and directed the parties to propose reasonable conditions of release for Petitioners. Having reviewed the parties’ proposed conditions, it is ORDERED that Petitioners shall be released on the following conditions:

1. Petitioners shall comply with all national, state, local and CDC-issued guidelines and orders regarding COVID-19. Specifically, Petitioners shall comply with the New York Executive Order 202.6 (“EO 202.6”), as long as it is in effect, in that they must remain in their home with lawful allowances for activities such as obtaining food and other necessities, obtaining medical and mental health treatment, and working.¹
2. Independent of EO 202.6, Petitioners shall be subject to home confinement and may not leave the state of their residence without prior permission from ICE; Petitioners may leave their homes for activities such as obtaining food and other necessities, obtaining medical and mental health treatment, and, to the extent Petitioners have been granted authorization to lawfully work in the United States, employment, if their employment is considered essential under state executive orders regarding COVID-19.
3. Petitioner Vallejo shall not be permitted to operate a motor vehicle.
4. Also for petitioner Vallejo, while the Petitioner remains subject to a final removal order, the law requires the imposition of certain conditions upon his release pending removal. *See* 8 U.S.C. § 1231(a)(6) (stating that such aliens “if released, shall be subject to the terms of supervision in paragraph (3)”); 8 U.S.C. § 1231(a)(3) (“If the alien does not leave or is not removed within the removal period, the alien, pending

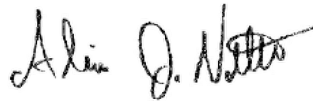
¹ Petitioners are all currently residing in New York State. Should Petitioner Lis, whose counsel has indicated he may seek a different housing arrangement, *see* ECF No. 23, reside outside the state of New York, he shall comply with all state and local orders regarding COVID-19 that are in place for such new residence.

removal, shall be subject to supervision under regulations prescribed by the Attorney General.”); *see also* 8 C.F.R. § 241.5 (setting forth required conditions).

5. Petitioners shall be placed on standard release conditions, such as directing Petitioners not to commit any crimes and to report to all court hearings.
6. Petitioners shall be subject to telephonic monitoring by ICE.
7. Petitioners Lis and Barbecho shall be subject to electronic location monitoring by ICE via ankle bracelet.
8. Petitioners shall not commit a federal, state, or local crime.
9. Petitioners shall appear for any court hearings at which their presence is required.
10. Respondents may not re-detain Petitioners once any state or locally issued mitigation orders are lifted unless they first seek and obtain permission from the Court to do so.
11. Either party may seek modifications of the conditions of release and supervision, including conditions that apply to re-detention, in light of material changes.

SO ORDERED.

Dated: April 16, 2020
New York, New York



HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE